

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

FIRST 100, LLC, a Nevada limited liability company; and 1ST ONE HUNDRED HOLDINGS, LLC, a Nevada limited liability company,

Case No.: 2:14-cv-01460-GMN-CWH

ORDER

Plaintiffs,
)

VS.)

JOHN LASALA, an individual; IAN HAFT, an individual; JAMIE MAI, an individual; CHA SOLUTIONS INC., a foreign corporation; CORNWALL CAPITAL MANAGEMENT LP, a foreign corporation; DOES I through X; and ROE ENTITIES I through X, inclusive.

Defendants.

Pending before the Court is the Motion to Declare Ex-Parte Temporary Restraining Order Void (ECF No. 5) filed by Defendant John Lasala (“Defendant Lasala”). Plaintiffs First 100, LLC and 1st One Hundred Holdings, LLC (collectively, “Plaintiffs”) filed a Response and Countermotion to Extend Temporary Restraining Order (ECF Nos. 17–18), and Defendant Lasala filed a Reply (ECF No. 21).

I. BACKGROUND

This action was originally filed in state court and removed to this Court on September 10, 2014, by Defendant Lasala, with the joinder of Defendants Ian Haft, Jamie Mai, Cha Solutions, Inc., and Cornwall Capital Management LP (collectively, “Defendants”). (*See Pet. for Removal*, ECF No. 1; *see also* *Notice*, ECF No. 4). An *ex parte* TRO was originally issued in state court on September 4, 2014, and a hearing on Plaintiffs’ Motion for Preliminary Injunction was scheduled in state court on September 17, 2014. Because Defendant Lasala

1 removed the action to this Court before September 17, 2014, the state court did not have an
2 opportunity to hear Plaintiffs' Motion for Preliminary Injunction. After removal, Defendant
3 Lasala filed the instant Motion to Declare Ex-Parte Temporary Restraining Order Void (ECF
4 No. 5), asserting that the *ex parte* TRO issued in state court is void because "Plaintiffs failed to
5 comply with Nevada law in exacting and/or posting the mandatory bond prior to filing the
6 TRO." (Def.'s Motion 1:20–24, ECF No. 5). On the other hand, Plaintiffs' filed a
7 Countermotion to Extend Temporary Restraining Order (ECF No. 17), requesting that the
8 Court "extend the temporary restraining order until Plaintiffs' motion for preliminary injunction
9 may be heard." (Pls.' Countermotion 4:1–2, ECF No. 17). During the pendency of both
10 motions, Defendants Ian Haft, Jamie Mai, Cha Solutions, Inc., and Cornwall Capital
11 Management LP were voluntarily dismissed from the action, and Defendant Lasala is the sole
12 remaining Defendant in the action. (Notice, ECF No. 23).

13 II. **DISCUSSION**

14 The Court recognizes that Nevada Rule of Civil Procedure 65(b) addresses temporary
15 restraining orders, which have been issued without notice by the state court, as is the case here,
16 and provides exceptions for when those TROs may be extended:

17 shall expire by its terms within such time after entry, not to exceed
18 15 days, as the court fixes, **unless within the time so fixed** the
19 order, for good cause shown, is extended for a like period or unless
the party against whom the order is directed consents that it may be
extended for a longer period.

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21 Nev. R. Civ. P. 65(b) (emphasis added). Thus, a plaintiff may request an extension before the
22 expiration date of a temporary restraining order.

23 Here, the *ex parte* TRO was issued on September 4, 2014, and Plaintiffs' posted bond on
24 September 9, 2014. At the latest, the *ex parte* TRO expired on September 24, 2014—fifteen
25 days after Plaintiffs' posted bond. After September 24, 2014, the *ex parte* TRO was expired

1 and the Court was unable to grant an extension. Plaintiffs' did not request an extension until
2 October 2, 2014. Therefore, the request for extension was untimely, and the Court must deny
3 Plaintiffs' Counter motion.

4 Accordingly, in light of the dismissal of all defendants except Defendant Lasala, the
5 Court orders that Plaintiffs' show cause as to whether it still wishes to be heard on its
6 Preliminary Injunction Motion. If so, Plaintiffs' may renew its Motion, and the Court will set a
7 briefing schedule and set the Motion for hearing.

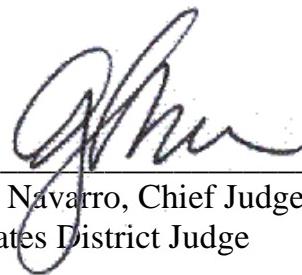
8 **III. CONCLUSION**

9 **IT IS HEREBY ORDERED** that Defendant Lasala's Motion to Declare Ex-Parte
10 Temporary Restraining Order Void (ECF No. 5) is **DENIED as moot**.

11 **IT IS FURTHER ORDERED** that Plaintiffs' Counter motion to Extend Temporary
12 Restraining Order (ECF No. 18) is **DENIED**.

13 **IT IS FURTHER ORDERED** that Plaintiffs' show cause as to whether it still wishes to
14 be heard on its Preliminary Injunction Motion. Plaintiffs' shall have 14 days from the date of
15 this Order to file a response brief with the Court, not to exceed 5 pages.

16 **DATED** this 13th day of March, 2015.



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Gloria M. Navarro, Chief Judge
United States District Judge